
memorandum

DATE: August 18, 2000

REPLY TO:

ATTN OF: Office of Environmental Policy and Guidance:Koss 6-7964

SUBJECT: EPA DRAFT GUIDANCE ON DESIGN OF FLEXIBLE AIR PERMITS, FOR REVIEW AND COMMENT

TO: Distribution

In the August 15, 2000, *Federal Register* (65 FR 49803), the Environmental Protection Agency (EPA) issued a notice of availability of its draft guidance document entitled "Design of Flexible Air Permits". The draft guidance document can be downloaded or viewed in pdf or WordPerfect format at <http://www.epa.gov/ttn/oarpg/t5wp.html>.

The draft guidance document provides guidance to State and local permitting authorities on how they can choose to design air operating permits required by Title V of the Clean Air Act in a manner that

- provides sources with operational flexibility, and
- ensures that sources meet all substantive and procedural requirements of Title V and the EPA operating permit regulations at 40 CFR Part 70.

When issued in final form, compliance with the guidance will not be mandatory for State and local permitting authorities. However, EPA will encourage the authorities to follow the guidance. EPA believes that the guidance will be especially useful in designing permits for sources that make frequent operational changes which must be implemented in a timely manner.

The comment period on the draft guidance closes September 14, 2000. In order to allow sufficient time to prepare a consolidated DOE comment response, please submit any comments you have on the draft guidance document to Ted Koss of my staff by September 5, 2000. Questions concerning the rule and this memorandum should be directed to Ted Koss (theodore.koss@eh.doe.gov; 202-586-7964).

Raymond P. Berube
Acting Director
Office of Environmental Policy and
Guidance